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ABSTRACT

This court action, brought by taxpayers and parents of children attending schools in the Los Angeles Unified School District (LAUSD), asserts that the district unequally allocates instructional staff, facilities, and finances in a manner that discriminates against poor and minority students, in violation of the California Constitution. The taxpayers and parents are the plaintiffs. The LAUSD, the Board of Education, and the superintendent of schools are the defendants. Organizations representing the plaintiffs are: (1) Legal Aid Foundation of Los Angeles; (2) Mexican American Legal Defense and Educational Fund; (3) Multi-Cultural Education Training and Advocacy, Inc.; (4) Western Center on law and poverty; (5) ACLU Foundation of Southern California; (6) San Fernando Valley Legal Services, Inc. It is asserted that as a result of the defendants' policies, a child residing in a poor or minority area receives an education substantially inferior to that provided a child in more affluent areas of the District, violating their rights to equal educational opportunity. Section 1 provides an introduction to the complaint. Section 2 lists the parties involved in the dispute and their affiliation. Sections 3 through 11 present the causes of action and substantiating evidence of disproportionate allocation of funds. Plaintiffs' requirements for injunctive relief are included. Their major request is that the LAUSD develop and implement a master plan to fairly allocate educational resources. Signed verification forms for each plaintiff are included. (JS)

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

C611358

RON RODRIGUEZ, JOYCE G. SEALS, FLORENE WILLIAMSON, and CANDIDA AUTRAN, Citizens, Residents, and Taxpayers of the State of California, County of Los Angeles, and who reside in the Los Angeles Unified School District,

Plaintiffs,

vs.

LOS ANGELES UNIFIED SCHOOL DISTRICT, BOARD OF EDUCATION OF THE CITY OF LOS ANGELES; HARRY HANDLER in his capacity as SUPERINTENDENT of the LOS ANGELES UNIFIED SCHOOL DISTRICT; TOM BARTMAN, ALAN GERSHMAN, JACKIE GOLDBERG, LARRY GONZALEZ, JOHN GREENWOOD, RITA WALTERS, and ROBERTA WEINTRAUB, in their capacities as members of the Board of Education for the City of Los Angeles, and Does I through X, Inclusive,

Defendants.

COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF FOR VIOLATIONS OF ARTICLE I, SECTION 7(a) and ARTICLE IV, SECTION 16 OF THE CALIFORNIA CONSTITUTION

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I.

INTRODUCTION

1. The Los Angeles Unified School District (LAUSD), the largest school district in the state, with more than half a million students, disproportionately allocates educational resources among its elementary and secondary students. The LAUSD unequally allocates instructional staff, facilities and finances in a manner which discriminates between students, especially against poor and minority students.

2. This action is brought by taxpayers and parents of children attending elementary and secondary schools in the LAUSD, for denial of educational opportunities as a result of the District's unequal allocation of resources. Plaintiffs bring this action against the LAUSD Board of Education and Superintendent to vindicate the students' right to equal educational opportunity.

3. As a result of the defendants' policies, a child residing in a poor or minority area receives an education substantially inferior to that provided a child in more affluent areas of the District. Each day thousands of poor and minority children residing in East and South Central Los Angeles attend schools that are overcrowded, have inferior physical facilities, inferior curricula and libraries, and have less experienced and trained instructional staffs. In contrast, students in other areas of Los Angeles attend schools which are filled to less than capacity, have adequate physical facilities, greater curricula choices, better library

facilities, and are staffed by more experienced, and better trained instructors. In addition these pupils attend schools in which the pupil expenditure is significantly higher than other schools. These schools are disproportionately attended by predominantly minority students while the schools with greater per pupil resources are attended by non-hispanic white (hereinafter white) and affluent students.

4. Overcrowded schools with less experienced and trained staff and which have low per pupil expenditures are disproportionately attended by poor, Black, Hispanic and Asian (hereinafter referred to as minority) children. These poor or minority children are economically less affluent than their white counterparts who attend schools which are unencumbered by overcrowding, inadequate physical plants, and inexperienced and less well trained teachers. These disparities in the allocation of resources impose additional disabilities on poor and minority children who frequently have greater needs. These disparities contribute to low achievement. Disparities which deny equal educational opportunity have no justification in policy or law.

5. The LAUSD, by the above-mentioned practices, violates plaintiffs' right to Equal Protection of the law. Additionally, these practices violate Article I, Section 7(a) and Article IV, Section 16 of the California Constitution and constitute an unlawful expenditure of public funds. Accordingly, they must be enjoined.

II.

PARTIES

6. Plaintiff Ron Rodriguez is an individual citizen resident of Los Angeles County, State of California, and resides in the geographic boundary of the Los Angeles Unified School District. He has paid a tax within and to the County of Los Angeles and to the State of California within the one year preceding the filing of this action, and has paid said taxes within the geographic boundary of the Los Angeles Unified School District. Plaintiff Ron Rodriguez is within the class of persons beneficially interested in defendants' faithful performance of their legal duty as hereafter alleged. Plaintiff has a clear, present, and substantial right to the performance of defendants' duties in that the performance of such duties is a matter of public right.

7. Plaintiff Joyce G. Seals is an individual citizen resident of Los Angeles County, State of California, and resides in the geographic boundary of the Los Angeles Unified School District. She has paid a tax within and to the County of Los Angeles and to the State of California within the one year preceding the filing of this action, and has paid said taxes within the geographic boundary of the Los Angeles Unified School District. Plaintiff Joyce G. Seals is within the class of persons beneficially interested in defendants' faithful performance of their legal duty as hereafter alleged. Plaintiff has a clear, present, and substantial right to the

performance of defendants' duties in that the performance of such duties is a matter of public right.

8. Plaintiff Florene Williamson is an individual citizen resident of Los Angeles County, State of California, and resides in the geographic boundary of the Los Angeles Unified School District. She has paid a tax within and to the County of Los Angeles and to the State of California within the one year preceding the filing of this action, and has paid said taxes within the geographic boundary of the Los Angeles Unified School District. Plaintiff Florene Willaimson is within the class of persons beneficially interested in defendants' faithful performance of their legal duty as hereafter alleged. Plaintiff has a clear, present, and substantial right to the performance of defendants' duties in that the performance of such duties is a matter of public right.

9. Plaintiff Candida Autran is an individual citizen resident of Los Angeles County, State of California, and resides in the geographic boundary of the Los Angeles Unified School District. She has paid a tax within and to the County of Los Angeles and to the State of California within the one year preceding the filing of this action, and has paid said taxes within the geographic boundary of the Los Angeles Unified School District. Plaintiff Candida Autran is within the class of persons beneficially interested in defendants' faithful performance of their legal duty as hereafter alleged. Plaintiff has a clear, present, and substantial right to the

performance of defendants' duties in that the performance of such duties is a matter of public right.

10. Defendant, Los Angeles Unified School District (hereinafter LAUSD), is a public school district duly created and existing pursuant to the laws of the State of California and operates and maintains the public schools and education programs in its jurisdiction.

11. The LAUSD is located within Los Angeles County and covers a geographical area of approximately 710 square miles. LAUSD operates approximately 618 regular schools and 201 special schools and centers with an approximate enrollment of 560,000 students. Approximately 52.2% of the District's students are Hispanic, 20.1% are Black, 19.7% are White, 7.7% are Asian/Pacific Islander, and .2% are American Indian/Alaskan native.

12. Defendant, Board of Education of the City of Los Angeles (hereinafter Board) pursuant to State law, is the chief governing and policy making entity of defendant LAUSD. The Board consists of seven members, each of whom is elected for a four year term. The Board is the official body charged with the responsibility of governing the public elementary and junior and senior high schools within the Los Angeles Unified School District. Defendant Rita Walters is named in this complaint in her official capacity as President of the Board. Defendants John Greenwood, Alan Gershman, Jackie Goldberg, Larry Gonzalez, Tom Bartman, Rita Walters, and Roberta Weintraub are named in this complaint in their official capacities as members of the Board.

13. The Board's duties and responsibilities include, but are not limited to, budgeting and disbursing monies to each of the public schools within the LAUSD, constructing school facilities, overseeing and maintaining their physical condition, hiring and placing instructional staff, and overseeing and maintaining the educational programs, including instructional resources, at each school site.

14. Defendant Harry Handler is the Superintendent of the LAUSD schools and is the chief administrative officer of Defendant LAUSD. Defendant Handler is responsible for implementing Board policy. He is named in this complaint in his official capacity as Superintendent of the LAUSD.

15. Defendants Does I through X, inclusive, were and are the employees and agents of each of the named defendants and are sued in that capacity. The true names, identities and capacities of these defendants are unknown to plaintiffs, who therefore sue them by these fictitious names. Plaintiffs are informed and believe, and thereon allege, that each of the defendants so sued is responsible in some manner for the acts and omissions hereinafter alleged. Plaintiffs will seek to amend the complaint when the true names and capacities of the unknown defendants are known.

III.

FIRST CAUSE OF ACTION: VIOLATION OF STATE EQUAL PROTECTION GUARANTEES RE ALLOCATION OF RESOURCES: RACE AND ETHNIC DISPARITIES.

16. Plaintiffs reallege and incorporate by reference paragraphs 1 through 15 inclusive.

17. Defendants' allocation of fiscal resources has resulted in significant and substantial disparities in schools which have predominantly minority student bodies. These Hispanic, Black and/or Asian schools are disproportionately allocated less general funds than those schools which are disproportionately white. Minority students who attend schools in which the per pupil expenditures from general funds are substantially lower than the per pupil expenditures in white schools are denied equal educational opportunity.

18. One example of defendants' disparate allocation of resources is shown in its per pupil expenditure of general funds for elementary school instruction. The following examples highlight the disparities in the allocation of resources which have no educational justification. The list was obtained from the study conducted by the Independent Analysis Unit (IAU) of the Los Angeles Unified School District:

LAUSD HIGHEST PER PUPIL INSTRUCTION EXPENDITURE/BY ETHNICITY

Elementary School	% Black	% Asian	% Hisp.	% White
Roscomare	10.5	5.9	28.5	55.1
Kenter	8.4	10.0	32.8	48.5
Beckford	27.6	12.5	6.3	53.3
Westwood	17.7	11.2	21.7	49.4
Playa Del Rey	14.6	20.0	42.4	23.1
Lemay	13.2	5.2	26.4	54.9
Topanga	0.9	1.3	5.8	92.0
Haskell	5.6	9.3	37.2	48.0
Richland	5.1	9.1	59.0	26.8
Anatola	4.9	4.9	29.9	60.2
Morningside	0.0	0.1	94.9	5.0
Towne	21.5	11.2	52.9	14.5
Micheltorena	2.2	19.6	70.4	7.7

LAUSD LOWEST PER PUPIL INSTRUCTION EXPENDITURE/BY ETHNICITY

Elementary School	% Black	% Asian	% Hisp.	% White
One-Eighteenth	77.1	0.0	22.5	0.2
Grape	72.1	0.0	27.9	0.0
Thirty-Sixth	77.0	0.3	21.8	0.8
Sixth Avenue	65.4	1.4	32.9	0.1
Sixth-Sixth	41.0	0.0	59.0	0.0
Riggin	0.7	0.0	97.9	1.1
Albion	0.6	31.3	68.0	0.2
Second	2.5	4.4	92.1	0.5
Murchison	0.4	0.4	98.4	0.7
Kennedy	0.3	0.9	97.6	0.4
Lane	1.2	22.4	69.8	6.5
Cheremoya	11.3	17.5	43.8	27.4
Tenth	0.5	2.4	95.4	1.4
Ford	1.1	0.1	97.8	1.0
Elysian Heights	3.2	15.4	72.0	8.8
Corona	0.6	0.8	90.3	8.0
Huntington	1.3	4.8	92.6	1.1
West Hollywood	11.2	9.5	56.9	22.4
Stagg	34.8	3.6	15.6	44.1

19. Plaintiffs are informed and believe and on that basis allege that differences in per pupil instruction expenditure of similar or greater magnitude exist at the present time at each level of schooling within the LAUSD.

20. The unequal allocation of general district funds to schools which are disproportionately Hispanic, Black and/or Asian denies those students attendant therein an equal educational opportunity in violation of Article I, Section 7(a) and Article IV, Section 16 of the California Constitution.

IV.

SECOND CAUSE OF ACTION: VIOLATION OF STATE EQUAL PROTECTION GUARANTEES RE ALLOCATION OF RESOURCES: WEALTH DISPARITIES.

21. Plaintiffs reallege and incorporate by reference paragraphs 1 through 15 inclusive.

22. Plaintiffs are informed and believe and thereon allege that the per pupil expenditures of general funds at schools attended disproportionately by students below the poverty level are significantly less than the per pupil expenditure at schools attended by students above the poverty level. These differences in expenditure have a significant impact on the educational opportunities of students attending schools which have students disproportionately below the poverty level.

23. For example, the following shows the percentage of students receiving Aid to Families with Dependent Children benefits (hereinafter AFDC) in those schools with high or low per pupil instruction expenditures in the LAUSD:

LAUSD LOWEST PER PUPIL INSTRUCTION EXPENDITURE

Elementary School	Poverty Index % AFDC Recipients
One-Eighteenth	84.27
Grape	74.63
Thirty-Sixth	52.54
Sixth-Sixth	46.11
Sixth Ave.	45.51
Riggin	44.95
Albion	40.00
Second	36.49
Murchison	33.26
Kennedy	29.08
Cheremoya	28.28
10th	25.61
Ford	24.80
Elysian Heights	22.32
Corona	22.31
Huntington	21.58
West Hollywood	5.49
Stagg	3.01
Lane	

LAUSD HIGHEST PER PUPIL INSTRUCTION EXPENDITURES

Elementary School	Poverty Index % AFDC Recipients
Roscomare	.00
Kenter	.33
Beckford	.63
Westwood	1.63
Playa Del Rey	4.11
Lemay	4.32
Topanga	5.80
Haskell	6.19
Richland	8.83
Anatola	10.61
Morningside	17.68
Towne	18.60
Micheltorena	26.48

24. Plaintiffs are informed and believe and on that basis allege that differences as described in paragraph 28 in per pupil expenditure of similar or greater magnitude exist at the present time at each level of schooling within the LAUSD.

25. The unequal allocation of general district funds to students who attend schools which are disproportionately

populated by children below the poverty level denies those students an equal educational opportunity in violation of Article I, Section 7(a) and Article IV, Section 16 of the California Constitution.

V.

THIRD CAUSE OF ACTION: VIOLATION OF STATE EQUAL PROTECTION GUARANTEES RE ALLOCATION OF RESOURCES: GENERAL DISPARITIES.

26. Plaintiffs reallege and incorporate by reference paragraphs 1 through 15 inclusive.

27. Defendants' allocation of resources has resulted in significant and substantial disparities with respect to the LAUSD's expenditure of general funds per pupil in the schools which it operates. Students who attend schools in which the per pupil expenditures are substantially lower than the per pupil expenditure in other schools are denied an equal educational opportunity.

28. An LAUSD independent analysis unit study for 1983-84 found an average difference in general program expenditures of $417 per pupil between the high funded and low funded elementary school groups, an average difference of $240 per pupil between the high funded and low funded junior high schools, and $297 per pupil at the high schools. These disparities have no educational justification.

29. Plaintiffs are informed and believe and on that basis allege that differences in per pupil expenditure from

general funds of similar or greater magnitude exist at the present time at each level of schooling within the LAUSD.

30. The existence of these disparities in per pupil instructional expenditures are unrelated to the educational needs of the students served in the schools of the LAUSD. Indeed, the plaintiffs are informed and believe and so allege that the schools with the lowest expenditure per pupil, on the whole, serve students with the greatest needs.

31. The differential expenditure between schools has a significant impact on the educational opportunities available to students in different schools.

32. The unequal allocation of general district funds as herein alleged denies those students an equal educational opportunity in violation of Article I, Section 7(a) and Article IV, Section 16 of the California Constitution.

VI.

FOURTH CAUSE OF ACTION: VIOLATION
OF STATE EQUAL PROTECTION GUARANTEES
RE ALLOCATION OF FACILITIES: ETHNICITY

33. Plaintiffs reallege and incorporate by reference paragraphs 1 through 15 inclusive.

34. Defendants' allocation of facilities has resulted in significant and substantial disparities between the physical facilities in schools attended predominantly by Hispanic, Black, and Asian students and the facilities in schools attended by white students. Students attending predominantly minority schools which are significantly overcapacity,

overcrowded, or year round and have inadequate facilities are provided significantly lesser educational opportunities as a result of the unequal allocation of facilities.

35. Defendants have responded differently to the need to accommodate increased student populations in predominantly minority communities than they have to similar needs in predominantly white communities. The result is a severe lack of adequate school facilities in those minority communities which has a significant impact on the educational opportunities of children living therein and thereby violates Article I, Section 7(a) and Article IV, Section 16 of the California Constitution.

36. The following are examples of disparities in the allocation of facilities which have no educational justification:

(a) Non-year round elementary schools which have a vastly disproportionate student per acre count are predominantly attended by minority students:

School Enrollment Exceeds 1,200	Students/ Acre	% Black	% Asian	% Hisp.	% White
Weemes	314	64.4	0.5	35.0	0.0
Eastman	304	0.1	0.4	98.9	0.6
Ford	302	1.1	0.1	97.8	1.0
Sheridan	285	0.1	1.6	98.2	0.1
Rowan	255	0.3	0.0	99.2	0.6
75th St.	255	62.9	0.1	36.9	0.0
Manchester	249	65.2	0.1	34.5	0.2
Budlong	241	64.1	0.0	35.7	0.2
Woodcrest	238	68.9	0.1	30.7	0.3
Normandie	223	76.7	0.2	21.0	2.1
Parmelee	223	25.0	0.0	75.0	0.1
Telfair	165	1.3	0.5	97.4	0.9

(b) Elementary schools with a very low student per acre ratio are disproportionately attended by white students:

School Enrollment Under 280	Students/ Acre	% Black	% Asian	% Hisp.	% White
Topanga	18	0.9	1.3	5.8	92.0
Calabash	28	29.6	6.5	22.7	41.3
Justice	29	14.8	8.6	12.4	64.3
Sierra Park	29	0.6	6.4	89.8	3.2
98th Street	30	9.5	5.4	43.5	41.7
Avalon Garden	36	98.4	0.0	1.1	0.5
Brainard	37	50.9	0.5	16.7	29.6
Stonehurst	51	3.9	1.6	33.9	59.8
Playa Del Rey	57	14.6	20.0	42.4	23.1
Valley View	62	8.6	10.1	48.9	32.5

37. Access to library materials is important in developing solid educational habits among youth. Plaintiffs are informed and believe and on that basis allege that differences in access to libraries and library materials exist at the present time at each level of schooling within the LAUSD, and that schools which are disproportionately Hispanic, Black, and Asian are allocated less access to libraries and library material than those which are disproportionately white.

38. The year round school is another example of defendants' disparities in the allocation of facilities which have no educational justification. Students attending year round junior high and high schools have restrictive curriculum choices and are provided an inferior education, as compared to students who attend two semester schools. Even after more than six years of implementation, defendants are still requiring many year round students to attend classes in buildings that are not air conditioned in the summer.

39. LAUSD has approximately 72 elementary schools, 9 junior high schools, and 4 high schools which have year round schedules. Defendants have allocated their year round

facilities so that they are disproportionately attended predominantly by minority students. These disparities in the allocation of facilities have no educational justification.

40. The LAUSD denies minority children the right to attend schools which are not overcrowded or overcapacity or are not year round and which have adequate facilities, including library facilities and curricula, while providing that right to white students. As such, it denies equal educational opportunity to such pupils in violation of Article I, Section 7(a) and Article IV, Section 16 of the California Constitution.

VII.

FIFTH CAUSE OF ACTION: VIOLATION OF STATE EQUAL PROTECTION GUARANTEES RE ALLOCATION OF FACILITIES: WEALTH DISPARITIES.

41. Plaintiffs reallege and incorporate by reference paragraphs 1 through 15 inclusive.

42. Defendants' allocation of facilities has resulted in significant and substantial disparities between the physical facilities attended predominantly by poor children and those attended by all other students. Students below the poverty level attend schools which are significantly overcrowded or overcapacity and these children are denied an equal educational opportunity as compared to children above the poverty level who are in attendance at schools that are operated well within their capacity.

43. The following are examples of disparities in the allocation of facilities which have no educational justification:

(a) Non-year round elementary schools which exceed 1,200 students have the following percentage of students attending who are receiving assistance under the federal welfare program, Aid to Families With Dependant Children (AFDC):

School	Enrollment	Poverty Index % AFDC
Eastman	1,700	21.63
Rowan	1,580	22.28
Ford	1,512	24.80
Weemes	1,507	
Manchester	1,495	71.56
75th St.	1,477	49.76
Parmelee	1,404	40.97
Sheridan	1,397	27.39
Woodcrest	1,382	70.47
Telfair	1.322	14.36
Budlong	1,301	53.49
Normandie	1,250	48.39

(b) By contrast, schools having 280 students or less have the following percentage of students receiving AFDC attending:

School	Enrollment Under 280	Poverty Index % AFDC
Topanga	223	5.80
Calabash	196	2.83
Justice	195	4.76
Sierra Park	112	30.72
98th Street	167	7.14
Avalon Garden	192	23.24
Brainard	274	17.13
Stonehurst	277	7.87
Playa Del Rey	261	4.11
Valley View	225	1.12

(c) Those same schools of over 1,200 students listed above have a vastly disproportionate student per acre count:

School Enrollment Exceeds 1,200	Students/ Acre	Poverty Index % AFDC
Weemes	314	
Eastman	304	21.63
Ford	302	24.80
Sheridan	285	27.39
75th St.	255	49.76
Rowan	255	22.28
Manchester	249	71.56
Budlong	241	53.49
Woodcrest	238	70.47
Normandie	223	48.39
Parmelee	223	40.97
Telfair	165	14.36

(d) Those schools listed above having fewer than 280 students have the following pupils per acre:

School Enrollment Under 280	Students/ Acre	Poverty Index % AFDC
Topanga	18	5.80
Calabash	28	2.83
Justice	29	4.76
Sierra Park	29	30.72
98th Street	30	7.14
Avalon Garden	36	23.24
Brainard	37	17.13
Stonehurst	51	7.87
Playa Del Rey	57	4.11
Valley View	62	1.12

44. Plaintiffs are informed and believe and so allege that similar patterns of severe overcrowding of schools predominantly populated by poor children currently exists throughout the LAUSD.

45. LAUSD has approximately 72 elementary schools, 9 junior high schools and 4 high schools which have year round schedules. Defendants have allocated their year round facilities so that they are disproportionately attended by students who are below the poverty level.

46. The LAUSD denies children below the poverty level the right to attend schools which are not overcrowded or are within

their enrollment capacity or are not year round while providing that right to other students. As such, it denies equal educational opportunity to such pupils in violation of Article I, Section 7(a) and Article IV, Section 16 of the California Constitution.

VIII.

SIXTH CAUSE OF ACTION: VIOLATION OF STATE EQUAL PROTECTION GUARANTEES RE ALLOCATION OF INSTRUCTIONAL STAFF: RACE AND ETHNIC DISPARITIES

47. Plaintiffs reallege and incorporate by reference herein paragraphs 1 through 15 inclusive.

48. Those schools administered by the Defendants which are disproportionately Black, Hispanic, and Asian are disproportionately staffed by teachers who are less experienced, have less training, have not acquired teaching credentials, and are more likely to be substitutes than are those schools which are disproportionately white.

49. This differential in the allocation of teachers has no educational justification.

50. The unequal allocation of less experienced and less trained teachers to predominately minority school denies the student in attendance therein the same educational opportunities provided to students in predominantly white schools.

51. Plaintiffs are informed and believe and so allege that the disparate allocation of instructional staff between

schools that are disproportionately white and schools whose primary enrollment is racial or ethnic minority students exists at all educational levels within the LAUSD.

52. The disparate allocation of instructional staff, as alleged herein, constitutes a violation by defendants, and each of them, of Article I, Section 7(a) and Article IV, Section 16 of the California Constitution.

IX.

SEVENTH CAUSE OF ACTION: VIOLATION OF STATE EQUAL PROTECTION GUARANTEES RE ALLOCATION OF INSTRUCTIONAL STAFF: WEALTH DISPARITIES.

53. Defendants reallege and incorporate by reference herein paragraphs 1 to 15 inclusive.

54. Defendants' allocation of instructional staff has resulted in schools with a disproportionately poor student population having instructional staff which are less experienced and trained, more likely to be substitutes or lack requisite certificates.

55. Plaintiffs are informed and believe and so allege that the disparate allocation of instructional staff between schools where students are wealthier and schools whose primary enrollment is poorer students exists at all educational levels within the LAUSD.

56. The disparate allocation of instructional staff, as alleged herein, constitutes a violation by defendants, and each

of them, of Article I, Section 7(a) and Article IV, Section 16 of the California Constitution.

X.

EIGHTH CAUSE OF ACTION: VIOLATION OF STATE EQUAL PROTECTION GUARANTEES RE ALLOCATION OF INSTRUCTIONAL STAFF: GENERAL DISPARITIES.

57. Plaintiffs reallege and incorporate by reference herein paragraphs 1 through 15 inclusive.

58. There is an educationally significant disparate allocation of teachers between schools of similar grade levels within the Defendant District.

59. Certain schools within the LAUSD have teachers who are significantly more experienced, better trained and who are more likely to have teaching credentials and less likely to be substitutes than in certain other schools within the LAUSD.

60. This differential allocation of teachers has no educational justification.

61. Students attending schools where the teaching staff is substantially less well trained or less experienced are denied an equal educational opportunity as compared to students attending schools with more experienced, trained staff. Moreover, students attending schools where there are substantially more substitute or emergency credentialed teachers than students in other schools are denied an equal educational opportunity.

62. The disparate allocation of instructional staff alleged therein constitutes a violation by the Defendants, and each of them, of Article I, Section 7(a) and Article IV, Section 16 of the California Constitution.

XI.

NINTH CAUSE OF ACTION: ILLEGAL USE OF PUBLIC FUNDS

63. Plaintiffs reallege and incorporate by reference herein paragraphs 1 through 62 inclusive.

64. Defendants have expended public funds, and are continuing to expend public funds, in an illegal manner by implementing the practices and policies herein complained of.

65. Plaintiffs have each paid a tax within the area served by LAUSD within the past year and have been affected by the illegal expenditures of the defendants.

66. The conduct of the defendants, unless and until restrained by order of this court, will cause irreparable injury to plaintiffs in that defendants will continue to make illegal expenditures by failing to guarantee plaintiffs equal protection in the allocation of education resources.

DECLARATORY RELIEF

67. An actual controversy has arisen and now exists between plaintiffs and defendants relating to their respective rights, duties and obligations in that plaintiffs contend that defendants' disbursement of regular program funds within the LAUSD and allocation of instructional staff, facilities and

finances on a per pupil basis are in violation of the California Constitution. Defendants deny that the policies, practices or activities are illegal or unconstitutional or cause injuries to plaintiffs.

INJUNCTIVE RELIEF

68. Plaintiffs are suffering irreparable injury and are without a plain, speedy, and adequate remedy, thereby rendering a preliminary and permanent injunction appropriate in that:

69. Money damages will not adequately compensate the Plaintiffs for the denial of their civil rights and liberties;

70. Money damages for the plaintiffs' injuries are extremely difficult to calculate; and

71. If the defendants are not enjoined, a multiplicity of lawsuits will be required because defendants conduct is continuing and ongoing.

PRAYER FOR RELIEF

WHEREFORE, plaintiffs respectfully pray that this Court enter judgment granting the following relief:

A. On the First, Second and Third Causes of Action:

1. That the Court declare the policies and practices of the LAUSD in allocation regular program funds to be violative of Article I, Section 7(a) and Article IV, Section 16 of the California Constitution.

2. That the Defendants be ordered to come forward with a plan which assures that regular program funds will be equally

allocated and that any disparities be the product of compelling educational needs.

B. On the Fourth and Fifth Causes of Action:

1. That all practices and policies which have resulted in the unequal allocation of physical facilities within the district be declared violative of Article I, Section 7(a) and Article IV, Section 16 of the California Constitution.

2. That this court further issue a preliminary and permanent injunction requiring the defendant to develop and implement a Master Plan to relieve the harm suffered by students in overcrowded schools.

3. That the defendants be ordered to come forward with a plan to overcome the past practices, which led to unequal and inferior facilities.

C. On the Sixth, Seventh, and Eighth Causes of Action:

1. That all practices and policies which encourage or permit differentials of experience, training and qualification of instructional staff between schools, absent compelling educational justification, be declared violative of Article I, Section 7(a) and Article IV, Section 16 of the California Constitution and be enjoined.

2. That the Defendants, and each of them, be preliminarily and permanently enjoined to come forward with a plan to overcome the effects of past practice in the allocation for staff which cannot be immediately eradicated.

3. That the defendants remedy the differential in its instructional staff caused by teacher inexperience.

D. On the Ninth Cause of Action:

1. That this Court further issue a preliminary and permanent injunction enjoining the defendants from making illegal expenditures of funds in any manner that violates the court's order herein.

2. That the Court award plaintiffs their attorneys fees and costs; and

3. That the Court award plaintiffs such further relief as it deems just and proper.

DATED: July 11, 1986

Respectfully submitted:

CAROL K. SMITH
ROSE B. FUA
Legal Aid Foundation of
Los Angeles

ANTONIA HERNANDEZ
NORMA V. CANTU
LINDA J. WONG
RICHARD P. FAJARDO
Mexican American Legal Defense
and Educational Fund

PETER ROOS
Multi-Cultural Education
Training and Advocacy, Inc.

CARMEN A. ESTRADA
RICHARD A. ROTHSCHILD
Western Center on Law
and Poverty

MARK D. ROSENBAUM
ACLU Foundation of Southern
California

WILLIAM R. SMITH
JOE C. ORTEGA
San Fernando Valley Legal
Services, Inc.

By: _____
CAROL K. SMITH
Attorneys for Plaintiffs

VERIFICATION

I, RON RODRIGUEZ, declare:

1. I am the plaintiff in the above-named action.

2. I have read paragraph 6 of the foregoing Complaint and know the contents thereof. The matters set forth therein are true and correct.

I declare under penalty of perjury that the foregoing is true and correct, and was executed in Los Angeles, California.

DATED: 7-12-86

RON RODRIGUEZ L.S.

VERIFICATION

I, Joyce Seals, declare:

1. I am the plaintiff in the above-named action.

2. I have read paragraph 7 of the foregoing Complaint for Injunctive and Declaratory Relief and know the contents thereof. The matters set forth therein are true and correct.

I declare under penalty of perjury that the foregoing is true and correct, and was executed in California.

DATED: July 23, 1986

Joyce G. Seals
JOYCE SEALS

VERIFICATION

I, Florene Williamson, declare:

1. I am the plaintiff in the above-named action.

2. I have read paragraph 8 of the foregoing Complaint for Injunctive and Declaratory Relief and know the contents thereof. The matters set forth therein are true and correct.

I declare under penalty of perjury that the foregoing is true and correct, and was executed in , California.

DATED: July 29, 1986

Florene Williamson
FLORENE WILLIAMSON

VERIFICATION

I, Candida Autran, declare:

1. I am the plaintiff in the above-named action.

2. I have read paragraph 9 of the foregoing Complaint and know the contents thereof. The matters set forth therein are true and correct.

I declare under penalty of perjury that the foregoing is true and correct, and was executed in Pacoima, California.

DATED: 7-12-86

Candida Autran

VERIFICATION

I, Carol K. Smith, declare:

1. I am an attorney at law duly admitted and licensed to practice before all the courts of this state, and I am one of plaintiffs' attorney of record in the above-named action.

2. I have read the foregoing Complaint for Injunctive and Declaratory Relief and know the contents thereof. The matters set forth therein are true and correct.

3. I make this verification because the complaint raises questions of the proper interpretation and application of law; and I am more familiar with all of the facts than are the plaintiffs.

I declare under penalty of perjury that the foregoing is true and correct, and was executed in Los Angeles, California.

DATED: July 22, 1986

CAROL K. SMITH

Attorney for Plaintiffs